



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-39**

October 4, 2002

Yutaka Kikkawa
10971 Hunting Horn Dr
Santa Ana, CA 92705

RE: DES Wetlands File #1997-00610 Barndoor Island, Alton

Dear Mr. Kikkawa:

On July 18, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 81 as Lot 21 (the "Property"). During the summer of 2002, DES personnel inspected permitted lakeshore projects in Alton. The purpose of the inspection was to determine compliance with RSA 482-A and permit #1997-00610 issued on February 23, 1999.

During the inspection the following deficiencies were documented:

1. A deck with approximate dimensions of 15 ft by 14 ft was documented along the shoreline. This deck was to be removed as conditioned under permit #1997-00610 issued on February 23, 1999 (copy enclosed).
2. A walkway with approximate dimensions of 15 ft by 4 ft was documented along the shoreline and located partially over water, connected to a 30 ft by 4 ft dock connected to a 4 ft x 30 ft cantilevered dock and breakwater. DES has no record of a permit being issued for this walkway.
3. Stone steps between 5-7 feet wide were documented, ascending from a cobble pathway into the water on the north side of the walkway. DES has no record of a permit being issued for these steps.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, remove the 15 ft by 14 ft deck and all supporting structures along the shoreline as conditioned under permit #1997-00610.
2. Within 30 days of receipt of this Letter of Deficiency, remove the 15 ft by 4 ft walkway and all supporting structures along the shoreline and located partially over water.
3. Within 45 days, provide photographic documentation showing the removal of the deck and the walkway as requested in this Letter of Deficiency.
4. Submit an after the fact application (copy enclosed) for the stone stepped access to the water from the shoreline, including updated plans for the stone steps and all shoreline structures.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9590

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Alton Conservation Commission
Alton Board of Selectmen
David Killoy, USACOE